

JAN 20 2005

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*For: **TISSUE SITE MARKERS FOR IN VIVO  
IMAGING**

Serial No.: 10/658,911

Filed: September 10, 2003

Atty. Docket No.: R0367-01601

) Prior Application Examiner:  
J. Pelham) Prior Application Group Art  
Unit: 3742) **TRANSMITTAL**

## CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.3

(I hereby certify that this these papers are being sent by facsimile to (703) 872-9304, addressed to Prior Application Examiner J. Pelham, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 20, 2005, in San Francisco, CA.

Anne Marie Leavy

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

- Transmitted herewith for filing in the above-identified patent application is an Third Preliminary Amendment
- Claim Fee Calculation

No additional claim fee is required.

X Amendment increases number of claims or multiple dependencies.

## Additional Claim Fee Calculation

Category	Count	Formula	Multiplier	Rate	Total
Independent Claims	2201	7 - 3 =	4 x	\$100 =	\$100
Total Claims	2202	33 - 20 =	13 x	\$25 =	\$325

Total Fees Due..... \$425

## 3. Payment of Fees

   Enclosed is a check for the total fees due in the amount of       .X The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01601. A duplicate copy of this document is enclosed.

02/02/2005 TTUTT2 00000005

01 FC:2201 100.00 DA  
02 FC:2202 325.00 DA

By

Edward J. Lynch  
Registration No. 24,422Duane Morris LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105  
Direct Dial: (415) 371-2267  
Facsimile: (415) 371-2201  
SF69233.1